

Application No. 10/044,615

REMARKS

This Amendment is submitted under 37 C.F.R. §1.312, in response to the Notice of Allowance mailed April 13, 2004. Claims 2-10 and 12-20 were pending in the application after the Amendment filed March 8, 2004. The Notice of Allowability indicated that claims 2, 6-8 and 12-20 were allowed, and that claims 3-5 and 10 were canceled by an Examiner's Amendment. The disposition of claim 9 was not indicated.

During a telephone call on May 12, 2004 between the Examiner, Devon C. Kramer, and Applicants' representative, David W. Dorton, the Examiner indicated that the Notice of Allowability contained a typographical error and that claim 9 is allowed. The status of claims 3-5 and 10 was also discussed.

During a subsequent telephone conversation with the Examiner's supervisor, Jack Lavinder, it was agreed that, in accordance with MPEP §809.02(c) and 37 C.F.R. §1.141(a), claims 3-5 and 10 would be rejoined if these claims were amended under 37 C.F.R. §1.312 to include the language "to maintain either an open position, a closed position, or at least one position between the open and closed positions," as recited in claim 6. Claims 3, 5 and 10 have been so amended. Accordingly, Applicants respectfully request that claims 3-5 and 10 be rejoined in the application. A favorable indication of allowance for these claims is hereby requested.

In view of the foregoing amendments to the claims and remarks given herein, Applicants respectfully believe this case is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any

Application No. 10/044,615

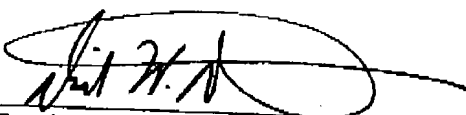
detailed language of the claims requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the matter may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no additional fee is due as a result of this amendment. If any charges or credits are necessary to complete this communication, please apply them to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:



David W. Dorton, Reg. No. 51,625

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)